



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 10, 2007

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Neighborhood Preservation Ordinance Update— Continued Review
Of Draft Proposed Ordinance Amendments

RECOMMENDATION:

That the Ordinance Committee review the draft updated Neighborhood Preservation Ordinance (NPO) and related Ordinance amendments.

DISCUSSION:

On August 8, 2006, Council gave direction regarding the Neighborhood Preservation Ordinance/Single Family Design Guidelines (NPO/SFDG) Update project. There was unanimous support by Council on the majority of items in the proposed NPO/SFDG Update. On October 24, 2006, the Ordinance Committee made decisions regarding two topics regarding FAR implementation and also, voted that private view protection not be included in the Ordinance.

A. Draft Ordinance Revisions, Reviewed February – March '07

Various sections of the Municipal Code need revision to implement NPO Update recommendations. On February 27, 2007 and March 13, 2007, the Ordinance Committee reviewed the following topics in Ordinance draft form and gave comments. The brief summary of items below and attached draft ordinance incorporate direction which the Ordinance Committee gave on the topics. Staff recommends the Ordinance Committee review the previously discussed ordinance sections listed below.

Chapter 22.68 Architectural Board of Review Design Review purview is proposed to be focused on commercial and multi-unit residential projects.

Chapter 22.69 Neighborhood Preservation Board (NPB) (seven members) to be created to review NPO (single-family) projects. Projects which require an Environmental Impact Report (EIR) will require Planning Commission certification of the EIR before final NPB approval can be given, but the Planning Commission will not review the project itself.

REVIEWED BY: _____ Attorney

Agenda Item No. _____

Includes required findings for project approvals in Section 22.69.050. Appeals from this Board are heard directly by the City Council.

Section 22.69.040 NPB Notice and Hearing for two-story home projects is required to include:

1. Mailed notice to the 20 closest property owners, and
2. Mailed notice to property owners within 100'

The Ordinance also allows the City to require the following types of noticing:

1. On-site notice posting
2. A "flyer" type of notice to be dropped off at the 20 closest residences for tenants to receive.

A failure for any individual to receive notice of a hearing through posting or a flyer shall not constitute grounds for a project not to be approved or to be appealed.

Section 22.69.050 NPB Preservation Ordinance Findings include compatibility findings, special Hillside findings and include a requirement for general compliance with the "Good Neighbor" privacy, landscaping, noise and lighting guidelines listed in the Single Family Design Guidelines. Hillside findings will be applicable not only Hillside Design District lots, but also to lots with 10% or greater average slopes or 10% or greater project sites.

Compensation for ABR, NPB and HLC members is proposed to be allowed in the Ordinance. The Ordinance Committee recommends the following compensation to be administered, at an approximate \$35,000 annual cost.

- \$50 for each ABR, NPB and HLC member for each full hearing body Design Review meeting attended.
- Staff recommends an additional \$25 for each ABR, NPB or HLC member for each Consent Calendar hearing.

Section 28.15.083 Floor to Lot Area Ratio (FAR) is referred to as a "maximum net floor area."

- Sets floor area maximums for projects involving two or more stories for lots under 15,000 square feet via formulas (section 28.15.083)
- Planning Commission modifications required for two or more story homes to exceed FAR maximum or 85% of maximum FAR when certain other conditions apply (section 28.28.15.083.C)
- Limited one-time increase allowed for homes that are legal non-conforming as to FAR (section 28.87.030.D.1.c)

Section 28.92.110 Modifications includes a provision for exceeding the maximum net floor area standard if three findings are made.

B. Draft Ordinance Revisions Provided in this Report

Attached to this report are draft ordinance amendments which include previously discussed ordinance amendments (described above), as well as the following new ordinance amendment topics for Ordinance Committee review.

Section 22.68.060 Hillside Design District Boundaries as recommended by Steering Committee (and subsequent reviewing hearing bodies).

Section 22.68.110 Time Extensions procedures for project approvals.

Section 22.69.020 Special Design District Project Design Review “Triggers” includes:

- Requirements for Design Review for exterior alterations on properties with slopes over 20%
- Requirements for Design Review of all roofing alterations

Section 22.69.020.G Grading and Retaining Wall Project Design Review “Triggers”.

Requirements for Design Review for all retaining wall projects:

- On lots or building sites with over 15% slopes
- On lots adjacent to an ocean bluff
- Combined retaining wall heights exceeds 6’

Other Grading Implementation Notes: Additional new grading standards will be implemented through the NPB Guidelines, rather than through Ordinance amendments. The new grading standards are proposed to be required for project sites or properties with a 20% or greater slope or more than 250 cubic yards outside of the main building footprint.

Section 22.69.055 Green building for large residences is required to be at the two-star Santa Barbara BuiltGreen program level for projects reviewed by the NPB that are more than 4,000 square feet or over 85% of the maximum FAR for projects on lots less than 15,000 square feet that are developed with two-story residences.

Section 28.15.066 Disallows balcony encroachments into required interior and front yards without a modification in single family zone districts. Balconies can encroach two feet into setbacks in other zone districts without a modification per 28.87.062.

Section 28.15.083 Basement square footage discounts from net floor area calculations as they contribute to FARs are available in some cases where substantial portions of basements are significantly below grade. The “discounts” are included in 28.18.083 “Special Rules” for calculating net floor area for FAR calculations within the NPO.

Section 28.15.083 Secondary Dwelling units not counted in FAR calculations. On August 8, 2006 Council gave unanimous direction to exempt the square footage of secondary dwelling units (also known as “granny units”) from FAR maximum requirements. Secondary dwelling unit floor area is not subject to FAR requirements in single-family zones and is not counted in net floor area for FAR calculations.

Section 28.90.100 On-site parking flexibility for under 85% of maximum FAR proposals. One uncovered parking space and one covered parking space to be allowed if the uncovered parking space is beyond the front yard. The uncovered parking space would be allowed to encroach within interior yards if a three-foot landscaped buffer is provided between the uncovered parking space and property lines. Staff has revised this proposal since the City Council last reviewed it in August 2006. A minimum three-foot yard setback appears more appropriate than the original zero-foot yard setback proposal because other uncovered parking provisions require a minimum of three-foot yard setbacks. Originally proposed in association with this provision was a limitation on floor area that could be demolished. That aspect of the proposal was eliminated due to the difficulty of differentiating between demolition associated with on-site parking flexibility and demolition for other purposes.

C. Topics to be Reviewed April 17th

A subsequent CAR with further draft ordinance amendments for the following topics will be provided in a subsequent CAR for the April 17th meeting.

- **Ordinance effective dates** and interim case processing will be defined in relationship to the formation of the NPB.
- **Section 22.69.015 Definitions** in the attached draft ordinance provides for a hierarchy of definitions use in Title 22 as follows:
 1. If a term is defined in Title 22, use Title 22 definition.
 2. If not in Title 22, and it's defined in Chapter 28.04, use the Title 28 definition.
 3. If not in Title 22 or Chapter 28.04, and it's defined in the Building Code, use the Building Code definition.
 4. If not in Title 22, Chapter 28.04 or IBC, then meaning shall be "construed according to the common meaning of the words and the context of their usage."

Additional specific definitions for Title 22 are expected to be provided in this section for the April 17th CAR for the Ordinance Committee.

BUDGET/FINANCIAL INFORMATION:

Significant budget impacts are not expected as a result of proposed ordinance amendments and a new NPC and ABR every other week schedule. The budget submitted by the Community Development Department provides for additional staff training to accommodate proposed NPO programs. The previously submitted Department budget for FY'07 – '08 would need to be adjusted upwards to reflect proposals for up to \$35,000 annually in stipends for ABR, NPB and HLC member activities.

SUSTAINABILITY IMPACT:

The proposed NPO Update would improve the sustainability of level of single-family development patterns in the City in many ways, including the following:

- **Smaller home development patterns will result.** Homes are required to be under maximum square footage limits on lots of less than 15,000 square feet. Smaller homes generally use less building material resources and have fewer environmental impacts associated with construction. Smaller homes also typically have less long-term energy use than larger homes and over time, need less maintenance that might involve the use of toxic materials. Smaller homes allow for more opportunities for site soil infiltration of storm water, and for more landscaping opportunities.
- **Some smaller garages and less major site redevelopment may result.** Some projects may be eligible for on-site parking flexibility to allow one covered parking space instead of two. Smaller garages have environmental benefits similar to smaller homes. This provision can also allow for continued use of existing one-car garages rather than the substantial home and garage demolitions which frequently occur to meet the requirement for two covered parking spaces.
- **Built Green Program will be required for some homes.** Homes proposed to be over 4,000 square feet are required to be built at a two-star Santa Barbara Built-Green level or higher.
- **Grading environmental safeguards will be improved.** Additional safeguards and requirements regarding projects proposing significant grading are required.

CONCLUSION:

Staff will return to the Ordinance Committee with a complete draft of ordinance updates for one last review on April 17th prior to Council Introduction of the item, scheduled for May 1, 2007.

NOTE: The following documents have been provided to the Mayor and Council under separate cover, and are available for review in the Council office, the City Clerk's office, and online at www.santabarbaraca.gov/Resident/Major_Planning_Efforts/NPO/ :

1. Previous Council and Ordinance Committee Staff Reports and Minutes
2. SFDG/NPO Update Package, published May 2006

ATTACHMENT: Proposed NPO Update related Draft Ordinance Amendments

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office